

# Order

Michigan Supreme Court  
Lansing, Michigan

March 28, 2014

147434

PEOPLE OF THE STATE OF MICHIGAN,  
Plaintiff-Appellant,

v

RODERIQUE LAREESE ROLARK,  
Defendant-Appellee.

Robert P. Young, Jr.,  
Chief Justice

Michael F. Cavanagh  
Stephen J. Markman  
Mary Beth Kelly  
Brian K. Zahra  
Bridget M. McCormack  
David F. Viviano,  
Justices

SC: 147434  
COA: 313207  
Kalamazoo CC: 2012-000303-FC

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On order of the Court, the application for leave to appeal the May 23, 2013 judgment of the Court of Appeals is considered, and it is DENIED, because we are not persuaded that the questions presented should be reviewed by this Court.

MARKMAN, J. (*dissenting*).

I respectfully dissent and would grant leave to appeal to consider (a) whether the trial court clearly erred by determining that a document discovered in defendant's prison cell, appearing to police to contain a detailed and first-hand confession by defendant of his involvement in a homicide for which he was then under investigation, was "intended for counsel" and therefore properly suppressed and (b) whether the Court of Appeals in its characterization of the scope of the attorney-client privilege in Michigan erroneously or inadvertently expanded the traditional understanding of the privilege to encompass communications intended for yet-unidentified attorneys. See *Watson v Detroit Free Press*, 248 Mich 237, 240 (1929) (stating that for the privilege to apply, "the relation of attorney and client must exist"); *Devich v Dick*, 177 Mich 173, 178 (1913) (stating that the defendant need not have formally retained an attorney for this privilege to exist, but he must have "'consult[ed] with an attorney in his professional capacity, with the view to obtaining professional advice or assistance, and [if] the attorney voluntarily permits or acquiesces in such consultation, then the professional employment must be regarded as established'") (citation omitted).



h0325

I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

March 28, 2014

Clerk